

REMARKS

Claims 1-16 and 18-43 are pending in the application, with claims 1, 11, 12, 14-16, 18, 19, 21, 23 and 25-27 being the independent claims. Applicants herein cancel claims 1 – 16 and 18 – 43, and present new claims 44 – 91. No new matter has been added. Further examination and review in view of the amendments and remarks below are respectfully requested.

In the Office Action dated June 13, 2007 the Examiner rejected claims 1 – 16 and 18 – 43 over U.S. Patent No. 5,903,816 (“Broadwin”) either alone, or in combination with U.S. Application No. 10/931,576 (“Haddad”), Application No. 10/248,345 (“Tsuei”), and Application No. 10/885328 (“Bankers”). Without conceding the propriety of the rejections, Applicants herein cancel claims 1-16 and 18-43 to expedite prosecution of this application, and present new claims 44-91 to further clarify Applicants’ techniques.

Newly presented claim 44 recites in part:

generating instructions for a set-top box, wherein the instructions for the set-top box are configured to overlay at least a portion of the first content in the electronic file on at least a portion of the second content in the video signal;

combining the video signal, the instructions for the set-top box, and the electronic file together to form a first channel;

combining the first channel with a second channel to form a broadcast signal.

Applicants respectfully submit that Broadwin fails to teach or suggest the elements recited above. In the Office Action, the Examiner indicated that Broadwin at col. 5, lines 11 – 13 discloses elements similar to those recited in claim 44. Applicants respectfully disagree. Rather, Broadwin states that “the video delivery system *provides a plurality of program channels* ... [and] the video delivery system provides at least one ... *still image channel*,” and “the still image channel comprising ... still video images [are] on a *different channel*.” (Broadwin col. 8, line 34)(emphasis added). As such, in Broadwin, the still images are loaded

from a different channel of the broadcast video signal. If the still image channel is experiencing technical difficulties, then the interactive features will be inoperable. This is in contrast to “combining the video signal, the instructions for the set-top box, and the electronic file together to form a first channel; [and] combining the first channel with a second channel to form a broadcast signal,” as recited in claim 44. Accordingly, since Broadwin fails to teach or suggest each and every element of claim 44, Applicants respectfully submit that claim 44 is in condition for allowance.

Insomuch as claims 45 - 52, depend directly, or indirectly, from claim 44, they also patentably define over Broadwin for at least the same reason. Accordingly, Applicants respectfully request reconsideration of the rejection to claims 45 - 52.

Newly presented independent claim 53, 62, and 77 includes similar elements to those in claim 44 and patentably define over Broadwin for at least similar reasons with respect to claim 44. Accordingly, Applicants respectfully submit that claim 53, 62, and 75 are in condition for allowance.

Insomuch as claims 54 – 61, 63 – 76 and 78 – 91 depend directly, or indirectly, from claim 53, 62, or 77, they also patentably define over Broadwin for at least the same reasons. Accordingly, Applicants respectfully request reconsideration of the rejection to claims 54 – 61, 63 – 76 and 78 – 91.

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**PATENT
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CONCLUSION

Applicants respectfully request reconsideration of the rejections and that the Examiner issue a prompt Notice of Allowance of all Claims.

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